



An
Coimisiún
Pleanála

Inspector's Report ACP-323113-25

Development	Construction of 63 dwellings, a creche and associated site works. A Natura Impact Statement (NIS) was submitted with the application.
Location	Barnakyle, Patrickswell, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560156
Applicant(s)	Diceros Ventures Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tom Ryan.
Observer(s)	None.
Date of Site Inspection	23 rd September 2025
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (3.04ha) is a greenfield site located to the east of Patrickswell Village at Barnakyle townland, Co. Limerick. The site slopes south-north and west-east and is bounded to the south-west by the R526 regional road. There are detached dwellings to the north and south-west. Access is proposed onto the regional road R526. Future access will be provided by the proposed and permitted Part 8 PA Reg: 228017 off the Claina Road which provides access across the Barnakyle River. The proposal is part of an overall masterplan to provide three phases of development. The subject site is phase 1 of the proposed development.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
- 63no. residential dwellings (4no. detached dwellings, 50no. semi-detached dwellings, 9no. terrace dwellings)
 - crèche
 - All ancillary site works
 - The application is accompanied by an NIS.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 24 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned as “New Residential” – Phase 1 and 2, the proposal is permitted under the zoning matrix and therefore considered acceptable. The level of connectivity proposed from the R526 through the site on through the Part 8 site across the Clarina Road, through the new housing area under construction on the western side of the Clarina Road, is also welcomed in

principle and will allow future residents to walk and cycle from the development in safety to the primary school, village centre and amenity facilities that exist to the north-west of the village centre.

- The site is not in a designated flood zone but the section of new roadway to the west connecting to the Part 8 application is in OPW benefiting lands. Given the new alternative access off the R526, zoning for residential development a flood risk assessment is not required.
- Further information requested in relation to density.
- The subject site is within Opportunity Site 4. A Masterplan was submitted for the entire opportunity site which includes the area to the north which is zoned open space. Forward Planning Team were not satisfied with the Masterplan and request that the full extent of the lands identified as Opportunity Site No. 4 should be master planned, specifically the lands zoned for Open Space and Recreation. This should include the provision of blue green infrastructure amenity linking into the Open Space and Recreation site and design and phasing details for the development of the Open Space and Recreational lands. Further information required.
- In regard to layout, Parks are requesting further information in relation to playground and area to be taken in charge. Amendments to the landscape plan are also sought.
- Further information required in relation to details of the existing and proposed boundaries of the overall site.
- Further information required in relation to cycle lanes, drop off area, parking spaces for units 41 and 42
- Further information required in relation to the discrepancies within the NIS and the EclA and in particular in relation to a bat survey and proposed mitigation measures with regards to the silt fence and addition of a bund to prevent the infiltration of cementitious material.
- Condition to be attached in relation the Archaeology.

Further Information Report

- Density calculated at 26.25units per hectare and considered acceptable.
- Overall Forward Planning considered the revised Masterplan is acceptable but have a concern that the area of housing identified as backing onto the northern boundary appears to include a strip of land outside of the rear gardens of these dwellings which would not be sufficiently overlooked and could result in a location for nuisance and anti-social behaviour. The area of open space to the north/north-west of House 1 and the relationship with this dwelling, which is a bungalow, is noted. The current layout could result in privacy issues as passerby could walk right up to the windows of the kitchen/living/dining area. A revised boundary treatment incorporating the area of green space is therefore recommended to be secure by condition.
- The AA Screening submitted concludes that Hydrological pathways exist to the Shannon Estuary and therefore significant effects cannot be ruled out to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. This is based on the potential for pollution during construction from pollutants arising from surface water run-off, works taking place close to the Barnakyle Stream and the construction of a surface water headwall. The applicant has submitted an NIS with mitigation measures. In addition, potential impacts on the invertebrates and in turn birdlife. A revised NIS has addressed all the issues and is considered acceptable subject to mitigation measures proposed.

3.2.2. Other Technical Reports

- Fire & Emergency Services: No objection subject to compliance with building regulations and appropriate certificates to be in place prior to occupation of the Creche.
- Environment & Climate Change: No objection subject to condition recommending appropriate internal sound environment, meeting target requirements in BS 8233:2014 Guidance on sound insulation and noise reduction.
- Housing Department: Preliminary Part V agreement with the transfer of 6 units.

- Roads Department: No objection subject to conditions.
- Active Travel: Further Information requested in relation to drop off area associated with the creche. Further information submitted and no objection subject to conditions. Adequate drop off facilities, a haphazard arrangement may prevail in the future.
- Council Archaeologist: No objection subject to conditions.
- County Ecologist: Further information requested inconsistencies between the AA screening and the NIS, mitigation measures need to be tightened, assessment of potential for impacts through groundwater flow and bats. Further information submitted and no objection subject to conditions.
- Forward Planning: Further information requested in relation to the proposed Masterplan. Further information received, a number of issues identified for future planning applications.
- Parks: Further information requested in relation to public park, taking in charge, general layout, trees and landscaping plans. Further information submitted and no objection subject to conditions.
- MWNRDO (Mid-West National Road Design Office): No observations to make.

3.2.3. Conditions

- Condition 7. Prior to the commencement of development, the developer shall submit the following for the agreement of the Planning Authority:
 - (a) Revised site layout indicating a raised crossing between the open space area and the crèche.
 - (b) Details of boundary treatment for the open space to the north-west of House 1 to incorporate this area into the private amenity space of this dwelling.

Reason: In the interest of orderly development.
- Condition 15: Prior to the commencement of development, the developer shall submit revised drawings incorporating the following, for the written agreement of the Planning Authority:

- (a) Bat boxes, swift bricks and general bird boxes are to be incorporated into the design.
- (b) Bat friendly lighting as per Guidance Note GN08/23 Bats and Artificial Lighting at Night must be used.
- (c) Lighting on the treeline in the west of the site shall be kept below the threshold of 2700k or less.
- (d) Details of the planting of native tree species such as willow on the western side of the site to protect the treeline from the light-spill t.
- (e) Details of a dewatering scheme to keep the excavations free from water and details of a settlement tank.
- (f) The removal of any Beech *Fagus sylvatica* proposals and replacement with species of Irish provenance.
- (g) Provide a tree planting schedule showing detailed species and sizes. All parkland trees shall be planted at a minimum of 18-20cm girth. Any replacement of trees in taken in charge area (at the end of the defects liability period) shall be planted at a minimum of 18-20cm girth.

Reason: In the interest of nature conservation.

Condition 20: (a) The developer shall submit revised drawings and supporting information showing compliance with Limerick City and County Council's Surface Water & SuDs Specification (2022) for the written agreement with the Planning Authority prior to the commencement of the development to include the following:

- Submit longitudinal swale sections. •
- Show detailed cross section for the permeable paving showing construction build up for each layer with clear and up to date specifications, which shall include for an overflow system.
- Show maintenance chambers for permeable paving areas in public realm.
- Submit details of the raised SuDS Pod/Planter.
- Submit connection details/cross section at the discharge point.

- b) There shall be no occupation to any phase of the development until the Surface Water and SuDS is certified by the developers Consulting Engineer.
- c) The connection to the outfall shall not be carried out until the Surface Water and SuDS is certified by the developers Consulting Engineer.
- d) The freeboard on the finished floor levels shall be a minimum of 500mm.
- e) The discharge levels shall not exceed 2 l/s/ha.
- f) Minimum pipe velocities shall be 1.0m/s.
- g) The same type of road gully and storm manhole cover and frame shall be used throughout the development to avoid multiple opening types of keys and tools required to open the system for maintenance. Failure to adhere to this or agree an alternative with the Planning Authority will result in the manhole cover/frame and road gully being changed at the developers cost.
- h) The construction of the Surface Water & SuDs systems, notification to Limerick City and County Council for inspection, Consulting Engineer inspection/certification and recording of the system for GIS mapping shall be in line with Limerick City and County Council's Surface Water/SuDs Specification.
- i) The developer shall submit certification for the Surface Water/SuDs Specification that it has been constructed as designed upon completion of any phase of the development and there shall be no occupation until this is received and agreed.
- j) A maintenance plan shall be submitted and agreed with the Planning Authority for the Surface Water/Suds System prior to the commencement of the development.
- k) Prior to commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design Stage Storm Water Audit.
- l) Upon completion of any phase of the development, a Stage 3 Completion Storm water Audit to demonstrate Sustainable Urban Drainage System measures and the proposed surface water system have been installed and are working as designed and that there are no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted for written agreement.

m) All surface water run-off from the development shall be disposed of appropriately. No such surface water shall be allowed discharge onto adjoining properties or onto the public road.

n) All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.

Reason- In the interest of public health and to prevent flooding in the interest of traffic safety and amenity

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII): It is of the opinion that insufficient data has been submitted demonstrating that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. Further Information response received, advising the Planning Authority that their position remains as set out in the initial letter.
- HSE: Further information requested in relation to the creche i.e. Childcare numbers, breakdown of child numbers under the various age cohorts, scope, nature and extent of proposed on site catering facilities to support the creche, staffing numbers and construction management plan. Following communication with the HSE indicating that the above information was located within the application, it was confirmed that the details set out accords with regulatory requirements to the satisfaction of the HSE.
- OPW: Notes that part of the site falls within the area deemed to benefit from Channel No. C1/10/4 of the Mague Outfall and may as a result be subject to an increased flood risk. The Mague Outfall Scheme was originally constructed to a standard to protect agricultural land from flooding and as such does not confer the level of immunity usually associated with residential developments. The Planning Authority should satisfy themselves that due consideration is given to Flood Risk at this site.

3.4. Third Party Observations

Three number observations were received. The following issues were raised:

- Contractual agreements between the Local Authority and the landowners in relation to the Loughmore Canel have not been complied with.
- Capacity of the outfall
- Flooding
- Misconnections in the foul and storm water network which connects into the Island Duane Stream.
- NIS does not assess the Island Duane Stream under the Water Framework Directive
- Devalue property
- Overshadowing & lack of privacy
- Lack of detail in relation to proposed common boundaries (units 18, 19 & 20)

Two further observations were received after the further information was submitted. The following concern was:

- Overlooking

4.0 Planning History

PA Reg: 171083: Permission granted for 49no. dwelling and all ancillary site works.

Adjacent to north

PA Reg: 18346: Permission granted for 49no. dwelling and all ancillary site works.

Adjacent site to northwest.

PA Reg: 228017: Part 8 permission granted for 24no. dwelling and all ancillary site works.

PA Reg: 188012: Permission granted for 24no. dwellings and all ancillary site works.

Site to east:

PA Reg: 1864: Permission granted for a dwelling and all ancillary site works.

Site to southwest

PA Reg: 17100: Permission granted for 6 no. detached dwellings.

5.0 Policy Context

5.1. Development Plan

Limerick City and County Development Plan 2022-2028 (CDP)

The site is zoned as New Residential Phase 1, objective to provide for new residential development in tandem with the provision of social and physical infrastructure.

Purpose: This zone is intended primarily for new high quality housing development. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

The site is also partly zoned as Open Space and Recreation. The objective is to protect, provide for and improve open space, active and passive recreational amenities.

Purpose: Provides for active and passive recreational resources including parks, sports and leisure facilities and amenities including the greenways and blueways. The council will not normally permit development that would result in a substantial loss of open space. Linked green spaces/corridors are encouraged.

Patrickswell is a Level 4 Large Village (>500 population) in the settlement hierarchy. Following a survey of services and infrastructure and having regard to the unique situation in the village, the limited growth over a prolonged period and the location of the village in the Limerick Shannon Metropolitan Area (in Limerick), a growth target of 35% has been incorporated into the Core Strategy. Development in Patrickswell shall accord with the objectives for the Level 4 Large Village settlements as set out under Section 2b below, with the exception of projected growth.

Objective CGR O15 Requirements for Developments within Level 4 Settlements

It is an objective of the Council within these settlements to facilitate development, subject to compliance with the following: a) To ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development. Generally, no one proposal for residential development shall increase the existing housing stock by more than 10-15% within the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity in terms of both physical and social infrastructure to support additional growth. b) The development of these centres shall provide for serviced sites and a variety of other house types and densities as appropriate. c) New commercial developments shall generally be located within the core area and shall contribute positively to the village urban fabric and streetscape. d) New community and social facilities shall be provided in conjunction with residential development as required. e) Where there is no treatment plant or limited capacity in the existing treatment plant, sewerage treatment for serviced sites shall generally be by means of individual treatment systems, subject to satisfactory site assessment and compliance with EPA Guidelines. All systems shall be constructed so as to allow connection to public sewers in due course when capacity becomes available.

Objective CGR O16 Local Area Plans in Level 4 Settlements

It is an objective of the Council to review existing and prepare new Local Area Plans for Adare, Askeaton, Croom and Patrickswell, to align with the Limerick Development Plan 2022-2028.

Section 2.7 refers to Core Strategy Policies and Objectives

Objective SCSI O14 Childcare Facilities

It is an objective of the Council to a) Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities. b) Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

Objective SCSI O21 Improve Open Space Provision

It is an objective of the Council to:

- a) Co-operate with sports clubs, schools, cultural groups and community organisations to provide quality sports and recreational facilities to the community. The Council encourages a multi-use and co-use of facilities of a complementary nature to support a more diverse range of sport and recreational opportunities. Proposed development shall demonstrate quality pedestrian and cyclist linkage.
- b) Ensure residential development incorporates appropriate provision of quality public open space and play lots in accordance with the Development Management Standards set out in Chapter 11. Open space provision will be proportional to the number of residential units proposed, consider access to existing open space and have regard to the principles of national guidance including accessibility, personal and child safety, linkage, place-making and permeability and the hierarchy of open space.

Chapter 11 refers to Development Management Standards

Table DM9(a) refers to Car and Bicycle parking standards.

Section 11.4.2.3 Aspect and Natural Light

As a standard, all habitable rooms within new residential units shall have access to appropriate levels of natural/daylight and be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated guidance. A daylight analysis will be required where considered necessary.

Patrickswell Local Area Plan, 2024-2030

Objective DS O1 Residential Phasing

It is an objective of the Council to: Ensure development of New Residential Phase 2 lands only proceeds when at least 80% of all development in New Residential Phase 1 completed.

Objective DS O2 Residential Development

It is an objective of the Council to:

- a) Require the use of Design Briefs, Masterplans, Sustainability Statements, Social Infrastructure Assessments and any other supporting documents

deemed necessary to ensure the coherent planning of residential development. Masterplans will be required for large-scale development of residentially zoned lands and shall be submitted at planning application stage. Early engagement with all utility's providers including Uisce Eireann is strongly advised.

- b) No one proposal for residential development shall increase the existing housing stock by more than 10-15% during the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity, in terms of both physical and social infrastructure to support additional growth.
- c) Ensure all new residential layouts will prioritise walking and cycling and are fully permeable for pedestrians and cyclists to access a range of local services and enable the efficient provision of public transport services.
- d) Ensure new residential development provides high quality public open space and play lots proportional to the number of residential units, having cognisance to accessibility, safety, permeability and public realm.
- e) Ensure that in any proposed alternations to the streetscape of the village centre, adequate considerations are given to conservation, restoration and reconstruction, where it would affect the settings of protected structures, or the integrity of the 19th century streetscape.

Flood Risk and Surface water Policy

IU04 Surface water Management and SuDs: it is an objective of the Council to:

- (a) Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater, including reducing the discharges of pollutants or contaminants to waters in accordance with the Draft River Basin Management Plan for Ireland 2022-2027 (DHPLG) and associated Programme of Measures.
- (b) Require all planning applications to include surface water design calculations to establish the suitability of drainage between the site and the outfall point.
- (c) Require all new developments to include Sustainable Urban Drainage Systems (SuDs) to control surface water outfall and protect water quality. Proposals shall have regard to the Nature-based solutions to the

Management of Rainwater and Surface Water Run-off in Urban Areas – Best Practice Interim Guidance document.

- (d) Require applicants to investigate the potential for the provision of porous surfaces, where car parking and hard landscaping is proposed.
- (e) Protect the surface water resources of the plan area and in individual planning applications request the provision of sediment and grease traps, and pollution control measures, where deemed necessary.

IU05 Flood Risk Management: It is an objective of the Council to:

- a) Manage flood risk in accordance with the requirements of “The Planning System and Flood Risk Management Guidelines for Planning Authorities”, DECLG and OPW (2009) and any revisions thereof and consider the potential impacts of climate change in the application of these guidelines.
- b) Ensure development proposals within the areas outlined as being at risk of flooding are subject to Site Specific Flood Risk Assessment as outlined in “The Planning System and Flood Risk Management Guidelines”, DECLG and OPW (2009). These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events. Reference shall be made to Section 5.8 requirements of the Flood Risk Assessment in the SFRA of the Limerick Development Plan 2022-2028.
- c) Ensure that future developments in flood prone areas are generally limited to minor developments in line with the Flood Risk Management Guidelines for Planning Authorities and the Circular PL 2/2014.
- d) Demonstrate that future development will not result in increased risk of flooding elsewhere, restrict flow paths, where compensatory storage/storm water retention measures shall be provided on site.
- e) Ensure future development of lands within Flood Risk Zone A/B is in accordance with the plan-making Justification Tests in the SFRA.

- f) Developments on lands benefitting from Arterial Drainage Schemes shall preserve the maintenance and access to these drainage channels. Land identified as benefitting from these systems may be prone to flooding, as such site-specific flood risk assessments will be required as appropriate, at planning application stage.

IU07 Buffer Zone – It is an objective of the Council to:

Provide an appropriate set back from the edge of watercourses to proposed developments to protect the integrity of the Barnakyle River and to ensure infinite access for channel clearing, and/or maintenance. Any proposed development shall have cognisance to the contents of the Inland Fisheries Ireland document 'Planning for Watercourses in Urban Environments' and in addition allow for access to and maintenance of existing Irish Water Infrastructure such as outfalls or pipelines.

5.2. National and Regional Policy

- Sustainable Residential Development in Urban Areas, 2009
- The Planning System and Flood Risk Management, 2009
- Urban Development and Building Heights (2018)
- Design Standards for New Apartments (2020)
- National Planning Framework
- Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Greater Dublin Strategic Drainage Study (GDSDS) 2005.

5.3. Natural Heritage Designations

The site is not located within a designated site. The nearest relevant sites are:

- Loughmore Common Turlough pNHA (site code: 000438) is located approximately 3km northeast of the subject site.
- Lower River Shannon SAC (site code: 002165) is located approximately 4km north and west of the subject site.

- River Shannon and River Fergus Estuaries SPA (site code: 004077) is located approximately 4.5km north of the subject site.
- Tory Hill SAC (site code: 000439) is located approximately 6.3km south of the subject site.
- Askeaton Fen Complex SAC (site code: 002279) is located approximately 9.2km north, west and south of the subject site.

5.4. EIA Screening

5.5. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from a local resident. The following concerns were raised:

- Water Framework Directive: Contractual agreement with the Local Authority has not been complied with. The water course has not been maintained. The Loughmore Canal is polluted water course and in turn the Barnakyle Stream and Barnakyle River. The watercourses are part of the Mague Estuary which the EPA have recently acknowledged is one of the worst waterbodies in Ireland for water quality. The appellants livestock's have health issues which maybe linked to the polluted waters flooding grazing areas. Testing by an international Environmental Consultancy (Tetra Tech) has detected hazardous substances in water, water sediment and soil samples in the Loughmore Canal confirm recent and historical pollution.

The Island Duane Stream was not assessed under the Water Framework Directive. The Island Duane Stream is an unassigned water body and is connected to the Barnakyle Stream which has status under the Water Framework Directive. The Barnakyle (Barnakyle_020) has been identified by the EPA as a waterbody that is of risk of not meeting the Water Framework Directive objectives.

- **Appropriate Assessment:** The Barnakyle river is also the outfall for the southern end of the Raheen Industrial Estate. Test results are also submitted. The applicant has failed to assess the Barnakyle River which is an assigned waterbody and hydrologically connected to the Shannon SAC. The NIS fails to address the condition of the Island Duane Stream which is visibly polluted.

The NIS mentions surface water disposal system but does not mention the runoff rates would be reduced to agricultural levels (i.e. The same as the current landuse). This information is required to order to firmly establish that there would be no change to the rate and volume of discharge to local water courses which might have downstream flooding effects. The NIS should be updated.

- **Flooding:** In 1999 concerns were raised that lands would flood as the estate grew, despite this numerous planning applications have been granted without control measures or proper flood risk assessments. The Shannon CFRAMS has incorrectly assessed the Barnakyle river. The Island Duane Stream was assessed in error in the Shannon CFRAMS instead of the Barnakyle River. This has led to extensive flooding on lands.
- **Wastewater:** The existing main foul and storm lines are in operation since the base build of the Raheen Industrial Estate. This has resulted in multiple expansions and misconnections in foul and storm water network. There is an ongoing investigation into discharges to storm. There continues to be extensive developments in Patrickswell area which discharges stormwater to the watercourse. The appellant witnessed desludging of the Patrickswell pumping station directly to the Barnakyle River.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Flooding
- Wastewater
- Water Framework Directive
- Appropriate Assessment

7.2. Flooding

7.3. The subject site is not located within a flood risk area as noted by OPW flood risk maps or identified in a flood zone A, B or C within the Patrickswell Local Area Plan 2024-2030 Strategic Flood Risk Assessment. The Barnakyle River rises just south of Patrickswell where it flows in a northly direction towards the Barnakyle River and then the Shannon Estuary. The Patrickswell River is also a tributary of the Barnakyle

River, and it rises to the south of the village where it flows north and then west towards the Shannon Estuary. The access/entrance crosses the Barnakyle River and part of the lands either side of the stream are noted as Arterial Drainage Benefiting Lands (shows land which would (or has) benefit from a drainage scheme).

- 7.4. The grounds of appeal state in 1999 concerns were raised that lands would flood as the estate grew, despite this numerous planning applications have been granted without control measures or proper flood risk assessments. The Shannon CFRAMS has incorrectly assessed the Barnakyle river. The Island Duane Stream was assessed in error in the Shannon CFRAMS instead of the Barnakyle River. This has led to extensive flooding on lands.
- 7.5. I have reviewed the Planner's Report which states the site is not located in a designated flood zone but the section of new roadway to the northwest connecting to the proposed Part 8 (PA reg: 228017) for 24 no. dwellings and associated site works application is in partially OPW benefitting lands. It is considered that as the site has a new alternative access off the R526, and the site is zoned for residential development a flood risk assessment is not required. I note an observation was received from the OPW which highlighted that part of the site is deemed to benefit from Channel No. C1/10/4 of the Mague Outfall and may as a result be subject to an increased flood risk. The Mague Outfall Scheme was originally constructed to a standard to protect agricultural land from flooding and as such does not confer the level of immunity usually associated with residential developments
- 7.6. I have reviewed the Strategic Flood Risk Assessment completed as part of Patrickswell Local Area Plan 2024-2030. It states the Barnakyle River is not covered by the CFRAM and so, a detailed hydrological study was carried out and has been used to define the Flood Zones. The Mague Arterial drainage scheme covers the Barnakyle River which joins the Mague below Ferry Bridge. This tributary runs through an area that is dominated by improved agricultural grassland.
- 7.7. River Barnakyle is known as channel C1/10/4 under the Mague Arterial Drainage scheme, in this case the channel capacity has been increased to typically cater for the 1 in 30-year event and the channel is maintained by the OPW. The OPW Arterial Drainage Schemes were designed to improve land for agriculture and the lands

which may benefit are referred to as 'benefitting lands. This is not the same as lands that benefit from flood defences.

- 7.8. I have reviewed the proposed site layout plan, and I note that the adjoining approved Part 8 planning application access road will cross the Barnakyle River and this has been assessed as part of that application. The subject site adjoins the access road which crosses the Barnakyle River but another entrance is proposed to the east along the R526 which will serve the proposed development and phase 2 & 3 of the overall masterplan area. I have reviewed the flood risk assessment submitted with the planning application which concluded that the site was assessed in accordance with "The Planning System and Flood Risk Management" Guidelines. As part of the sequential test, the OPW flood hazard maps have been consulted, as have the Catchment Flood Risk Assessment Maps produced by the OPW. In all cases it was found that the development is at low risk of flooding, and the development is deemed appropriate within the proposed site location. In addition, I note the Engineering Planning Report which was submitted with the planning application also outlines that surface water will be collected and discharged via a mixture of traditional and Sustainable Urban Drainage System (SuDs) to the Barnakyle River. The surface water drainage network has been analysed for the risk of flooding for a 1 in 5-year flood event, 1 in 30-year rainfall event and a 1 in 100-year rainfall event and demonstrated no flooding occurring. An increase of 30% in rainfall had been accounted for climate change and 10% for urban creep. I note section 2.3 SuDs proposals of the Engineering Planning Report outlines the various SuDs proposals to be implemented on site. It is in my opinion that given the location of the subject site outside of a flood risk zone and the various SuDs proposal, I do not consider that the subject site is at risk of flooding. In addition, I do not consider that the proposal will impact on the Barnakyle River, the proposed SuDs measures will retain rainwater until it is either used via evapotranspiration or discharged through flow-controlled means to the local river network.
- 7.9. Having regard to the location of the subject site, outside of any flood risk area, within lands zoned for "New Residential", and taking into account the Flood Risk Assessment carried out by the applicant and the Strategic Flood Risk Assessment completed as part of Patrickswell Local Area Plan 2024-2030 along with the SuDs

measures to be implemented, I do not consider that there will be a risk of flooding for the subject site or the adjacent Barnakyle River.

7.10. Wastewater

7.11. The proposed development will be connected to the existing foul water drainage at the existing Patrickswell Sewerage Scheme, which was completed in 2013 and replaced the previous sewerage system. A new pumping station was constructed at Barnakyle and a new rising main to deliver the wastewater into Limerick Main Drainage Network.

7.12. The grounds of appeal state extensive developments have occurred in Patrickswell area which discharges stormwater to the watercourse. The appellant state that they witnessed desludging of the Patrickswell pumping station directly to the Barnakyle River.

7.13. I note the applicant has carried out an assessment of foul water drainage and stormwater drainage in the Engineering Planning report submitted with the application and outlines the design criteria for the foul water and stormwater drainage connection. The proposed foul water sewers and surface water drainage system have been designed using Causeway Flow software in accordance with the DOE's "Recommendations for Site Development Works for Housing Areas". The foul loading has been calculated in accordance with "Code of Practice for Wastewater Infrastructure" (particularly clause 36) published by Irish Water. It is proposed to discharge foul effluent from the proposed development to the existing 525mm dia. foul network to the Northwest of the site. The proposed foul network has been designed based on the predicted foul discharge for the development. Also, it is proposed to construct a section of foul sewer under the proposed road network that will discharge to the existing 225mm dia. Foul network on the R526. The surface water will be collected and discharged via a mixture of traditional and Sustainable urban Drainage System (SuDs) to a tributary of the Barnakyle River.

7.14. I have reviewed Irish Water (Uisce Eireann) record drawings which indicate that there is an existing 225mm dia. foul sewer along the R526 adjacent to the site and an existing 525mm/600mm dia. foul sewer network which runs northwards adjacent to the Barnakyle River tributary on the northwestern boundary of the site. I note a pre-Connection Enquiry Form has been issued to Irish Water in relation to the

proposed development. The enquiry was issued on 2nd September 2024, with a corresponding reference number issued by Irish Water; CDS24007534. I acknowledge that no letter of confirmation was received from Uisce Eireann, however, I further note that there is no evidence on the planning file to indicate that there is no capacity within the existing Patrickswell Sewerage Scheme. No concerns were raised by the engineers within Limerick County Council, and no response was received from Uisce Eireann to indicate that there is no capacity in the current sewerage system. I have reviewed section 9.2 of the Patrickswell Local Area Plan (LAP) 2024-2030 which states the wastewater treatment system has sufficient capacity to cater for existing and future population of Patrickswell, as identified in the LAP. Therefore, it is my opinion that a wastewater connection is possible and would be installed as per Uisce Eireann requirements. In the event of a grant of permission, a condition shall be attached requesting the applicant to consult with Uisce Eireann prior to commencement.

- 7.15. I note the appellant has raised concerns in relation to misconnections and desludging of Patrickswell pumping station, however, these are not planning matters and are outside the scope of this planning application and cannot be dealt with by the Commission.
- 7.16. Having regard to the location of the subject site within zoned lands for “New Residential” within the development boundary of Patrickswell in accordance with Patrickswell Local Area Plan 2024-2030 along with connection to Patrickswell Sewerage Scheme as per Uisce Eireann maps, I consider the proposed development can connect to the Patrickswell Sewerage Scheme.

8.0 AA Screening

- 8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

The third-party appeal raised concerns in relation to the Barnakyle River which is an assigned waterbody and hydrologically connected to the Shannon SAC. The NIS fails to address the condition of the Island Duane Stream which is visibly polluted. The NIS mentions surface water disposal system but does not mention the runoff rates would be reduced to agricultural levels (i.e. The same as the current landuse). It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) of the proposed development is required. Please refer to Appendix B.

This determination is based on:

- The nature, size and location of the proposed works and possible impacts arising from the construction works.
- The QIs and conservation objectives of the European sites.
- The potential for in-combination effects arising from other plans and projects.

8.2. Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on:

- Lower River Shannon (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

In view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the:

- Lower River Shannon (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

9.0 Water Framework Directive

- 9.1. The subject site is located in the urban area of Patrickswell, Co. Limerick. The nearest stream is Barnakyle river to the northwest. The permitted Part 8 application will provide access from the Claina Road eastwards over the Barnakyle River (box culvert will be provided). The proposed development will consist of 63no. dwellings, a creche and all associated sitework. I note the proposal includes a “headwall design” along the Barnakyle River in order to prevent any runoff as part of the mitigation measures outlined in the NIS.

The site is noted as within the high groundwater vulnerability. A new storm water drainage system will be constructed and will deal with run-off from the proposed development. This will be based on the SuDs principles and will include an attenuation tank with oil/grit interceptor and flow control device. Final discharge will be to the nearby stream. Additional SuDs measures include permeable paving and swale/bioretention areas.

The third-party appeal raised concerns in relation to the Island Duane Stream and state this was not assessed under the Water Framework Directive. The Island Duane Stream is an unassigned water body and is connected to the Barnakyle Stream which has status under the Water Framework Directive. The Barnakyle (Barnakyle_020) has been identified by the EPA as a waterbody that is of risk of not meeting the Water Framework Directive objectives.

I have assessed the proposed development (please refer to Appendix C) and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good

ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- Scale and size of the proposed development within Patrickswell development boundary on lands zoned as “New Residential”.
- Connection to public water and sewer.
- The proposed SuDs measures to deal with surface water.
- Mitigation measures as outlined in the NIS, CEMP and CMP.

Taking into account WFD screening report (refer to Appendix B), I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the location of the subject site on lands zoned as “New Residential”, the policies and objectives as set out in the Limerick County Development Plan 2022-2028, Patrickswell Local Area Plan 2024-2030, Planning System and Flood Risk Management, it is considered, subject to compliance with conditions set out below, that the proposed development would not negatively impact the local environment in terms of flooding or conservation objectives of the Lower River Shannon (Site Code: 002165) or River Shannon and River Fergus Estuaries SPA (Site Code: 004077), or result in a risk of deterioration on the Barnakyle River and would be acceptable in terms of design and layout. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Ecological Impact Statement and Bat Survey and associated documentation, shall be implemented.

Reason: To protect the environment and in the interest of nature conservation.

4. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development, and the ecologist shall be present on site during the construction works. Prior to commencement of development, the name and contact details of said person shall be submitted to the Planning Authority. Upon completion of works, an

audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

Reason: In the interest of nature conservation.

5. Prior to the commencement of development, the developer shall submit revised drawings incorporating the following, for the written agreement of the Planning Authority:
 - a. Bat boxes, swift bricks and general bird boxes are to be incorporated into the design.
 - b. Bat friendly lighting as per Guidance Note GN08/23 Bats and Artificial Lighting at Night must be used.
 - c. Lighting on the treeline in the west of site shall be kept below the threshold of 2700K or less.
 - d. Details of the planting of native tree species such as willow on the western side of the site to protect the treeline from the light spill t.
 - e. Details of a dewatering scheme to keep the excavations free from water and details of a settlement tank.
 - f. The removal of any Beech *Fagus sylvatica* proposals and replacement with species of Irish provenance.
 - g. Provide a tree planting schedule showing detailed species and sizes. All parkland trees shall be planted at a minimum of 18-20cm girth. Any replacement of trees in taken in charge area (at the end of the defects liability period) shall be planted at a minimum of 18-20cm girth.

Reason: In the interest of nature conservation.

6. Prior to the commencement of development, the developer shall submit the following for written approval from the Planning Authority:
 - a. Revised site layout indicating a raised crossing between the open space area and the creche.

- b. Details of boundary treatment for the open space to the north-west of House 1 to incorporate this area into the private amenity space of this dwelling.

Reason: In the interest of orderly development.

- 7. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

- 8. Prior to commencement of development, (a) the developer shall submit a Stage 2 Road Safety Audit in compliance with the TII Publication "Road Safety Audit GE-STY-01024 (2025)" for the written agreement of the Planning

Authority. (b) prior to the use of the development the developer shall submit a Stage 3 Road Safety Audit in compliance with TII publication “Road Safety Audit GE-STY-01024 (2025)” for written agreement of the Planning Authority.

Reason: In the interest of traffic safety.

9. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. 24292-1-100]. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

11. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

12. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

13. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

16. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

17. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

18. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

21. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and biosecurity.

22. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

23. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 20th day of May 2025. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

24. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has

been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

26. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained

by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jennifer McQuaid
Planning Inspector

14th October 2025

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ACP-323113-25
Proposed Development Summary	Construction of 63 dwellings, a creche and all associated site works.
Development Address	Barnakyle, Patrickswell, Co. Limerick
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units. Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323113-25
Proposed Development Summary	Construction of 63 dwellings, a creche and all associated site works.
Development Address	Barnakyle, Patrickswell, Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of 63 no. dwellings, a creche and all associated site works. The development consisted of typical construction and related activities and site works. The works proposed do not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to a public drain. Wastewater will be discharged to public sewer.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows: <ul style="list-style-type: none"> • Loughmore Common Turlough pNHA (site code: 000438) is located approximately 3km northeast of the subject site. • Lower River Shannon SAC (site code: 002165) is located approximately 4km north and west of the subject site. • River Shannon and River Fergus Estuaries SPA (site code: 004077) is located approximately 4.5km north of the subject site. • Tory Hill SAC (site code: 000439) is located approximately 6.3km south of the subject site. • Askeaton Fen Complex SAC (site code: 002279) is located approximately 9.2km north, west and south of the subject site. A Natura Impact Statement was carried out; my appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site subject to mitigation measures implemented.

	<p>Observations were raised in relation to water pollution and connection to public sewer. These issues are addressed in the main body of my report. The subject site is not located within a flood risk area; therefore, this is no potential impact of flooding.</p> <p>A Water Framework Assessment was carried out and determined no potential negative impact.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site size measures 3.04ha. The size of the development is not exceptional in the context of an urban environment.</p> <p>There are existing dwellings adjacent to the proposed site. No concerns were raised in relation to the adjacent properties in terms of impact to residential amenity.</p> <p>The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix B – Appropriate Assessment Screening.

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The development will consist of construction of 63 dwellings, a creche and associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is not located within or directly adjacent to any Natura 2000 area.</p> <p>The site is improved agricultural grassland and surrounded by built up residential areas of Patrickswell. The site's hedgerows are blackthorn, hawthorn, ivy and brambles.</p> <p>To the north-west, the proposed road and services are adjacent to a treeline which includes Ash along with Hawthorn, ivy, bramble and lesser celandine. Other boundaries are stone walls.</p> <p>A new Sustainable Drainage (SuDS) Strategy will be implemented to deal with surface and storm waters.</p> <p>A new foul sewer main line is proposed. Foul sewerage from Patrickswell leads to the Bunlicky treatment plant in Limerick City.</p> <p>Construction and demolition waste will be taken off site by a contractor licensed under the Waste Management Act.</p> <p>The site lies within the catchment of the Barnakyle River, which joins the River Maigue a short distance before discharging into the Shannon Estuary.</p>
Screening report	Yes (Prepared by OPENFIELD Ecological Services)
Natura Impact Statement	Yes (Prepared by OPENFIELD Ecological Services)
Relevant submissions	None
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

2 European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I have only included those sites with any possible ecological connection of pathway in this screening determination.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening. Y/N
SAC				
River Shannon & River Fergus Estuaries. SPA (site code: 004077)	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p>	c. 3.8 km northwest of proposed development	<p>Potential pathways identified from the proposed site via surface and wastewater flows to the Barnakyle River and therefore to River Maigue and its estuary part of the River Shannon & River Fergus Estuaries.</p> <p>Potential pollution during construction due to the proximity of the Barnakyle River.</p>	Yes

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p> <p>River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service</p> <p>Date: 2nd October 2025</p>			
Lower River Shannon SAC (site code: 002165)	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p>	c. 4.3km northwest of proposed development	<p>Potential pathways identified from the proposed site via surface and wastewater flows to the River Maigue and its estuary part of the River Shannon & River Fergus Estuaries.</p> <p>Potential pollution during construction due to the proximity of the Barnakyle Stream.</p>	Yes

	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p>			
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	<p>Lutra lutra (Otter) [1355]</p> <p>Lower River Shannon SAC National Parks & Wildlife Service</p> <p>Date: 2nd October 2025</p>			
Tory Hill SAC (site code: 000439).	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Tory Hill SAC National Parks & Wildlife Service</p> <p>Date: 2nd October 2025.</p>	c. 6.3km south of the proposed development.	No pathways identified.	
Askeaton Fen Complex SAC (site code: 002279)	<p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Askeaton Fen Complex SAC National Parks & Wildlife Service</p> <p>Date: 2nd October 2025</p>	c. 9.2km west of the proposed development.	No pathways identified.	No

Ecological Impact Assessment was carried out by the applicant and concluded if all mitigation measures are fully implemented no negative effects to biodiversity are predicted to arise from the development.

Bird/Bat Survey was carried out by the applicant. It was determined that no bat roosts would be lost due to the proposed works if the recommended mitigation measures are implemented. The impact on avian species can be minimised if the recommended mitigation measures are followed.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development has the possibility for significant effects on the following European sites, in the absence of mitigation, either arising from the project alone or in combination with other plans and projects, as a result of water quality: on Lower River Shannon SAC, River Shannon and River Fergus Estuaries SPA.

Sources of impact and likely significant effects are detailed in the Table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Shannon & River Fergus Estuaries. SPA (site code: 004077)	Indirect water quality impacts during construction for potential run off into the Barnakyle Stream.	Disturbance during construction. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability. There is potential for impacts on SCI species associated with SPA's to occur as a result of water quality.
Lower River Shannon SAC (site code: 002165)	Direct pathway to SAC: Release of silt and sediment during site work. Release of construction related compounds including hydrocarbons to surface water. Increased human disturbance at this site, particularly during the construction phase. Indirect water quality impacts during construction for potential run off into the Barnakyle Stream.	Disturbance during construction. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability. There is potential for impacts on SCI species associated with SAC's to occur as a result of water quality.
Yes	Likelihood of significant effects from proposed development (alone):	
	Yes	
Yes	Possibility of significant effects (alone) in view of the conservation objectives of the site.	

	Yes
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.	
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.</p> <p>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.</p>	
<p>Screening Determination</p> <p>Finding of likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA in view of the conservation objectives of a number of qualifying interest features of those sites.</p> <p>It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) of the proposed development is required.</p>	

Appendix B – Appropriate Assessment Determination

Appropriate Assessment	
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>	
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the construction of 63 no. dwellings, creche and all associated site works in view of the relevant conservation objectives of Lower River Shannon SAC, River Shannon and River Fergus Estuaries SPA based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none">• Natura Impact Statement prepared by OPENFIELD Ecological Services. <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>	
<p>Submissions/observations</p> <p>The Planning Report notes further information request in relation to the proposed silt fence and lacks assessment of groundwater vulnerability. Furthermore, bat survey has not been carried out.</p> <p>The revised NIS has addressed all matters previously raised and is satisfied subject to a condition requiring all mitigation measures in the NIS document to be implemented and adhered to in full.</p> <p>The Planning Authority have determined that the proposed development will not significantly impact upon a Natura 2000 site, on the basis of information submitted.</p>	
<p>NAME OF SAC/ SPA (SITE CODE):</p> <ul style="list-style-type: none">• Lower River Shannon SAC,• River Shannon and River Fergus Estuaries SPA <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <p>(i) Water quality degradation (construction and operation)</p>	

See Table 5 of the submitted NIS			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS Step 4 – Mitigation (page 12)
Lower River Shannon SAC (Site Code: 002165)			
Estuaries [1130]	To maintain the favourable conservation condition. Permanent habitat area stable or increasing; conserve the following community types in a natural condition; intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; estuarine subtidal muddy sand to mixed sediment with gammarids community complex; subtidal sand to mixed sediment with nucula nucleus community complex; subtidal sand to mixed sediment with Nephys spp. Community complex; Fucoid-dominated intertidal reef community complex; faunal turf-dominated subtidal reef community; and anemone-dominated subtidal reef community.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	Construction will follow guidance from Inland Fisheries Ireland. Erection of silt curtain (or similar barriers) along the south-western boundary. Appropriately sized silt trap or settlement pond. Dangerous substances to be stored in a bunded zone. Emergency contact numbers displayed.
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition. Permanent habitat area stable or increasing; conserve the following community types in a natural condition; intertidal sand with Scolelepis squamata and Pontocrates	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate	CEMP adhered to. Surface water headwall is precast concrete.

	spp. Community; and intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex.	life could have an indirect effect on birdlife using the SAC.	
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition. The permanent habitat area and distribution of the habitat are stable or increasing; conserve the following community types in a natural condition: intertidal sand with <i>Scolecipis squamata</i> and <i>Pontocrates</i> spp. Community; intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; subtidal sand to mixed sediment with <i>Nucula nucleus</i> community complex; subtidal sand to mixed sediment with <i>Nephtys</i> spp. Community complex; Fucoid-dominated intertidal reef community complex; mixed subtidal reef community complex; faunal turf-dominated subtidal reef community; anemone-dominated subtidal reef community; and <i>Laminaria</i> -dominated community complex.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Reefs [1170]	To maintain the favourable conservation condition. The permanent habitat area and distribution of the habitat are stable or increasing; the biological composition is conserved.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an	

		indirect effect on birdlife using the SAC.	
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition. Habitat areas stable or increasing subject to natural variation; no decline in habitat distribution; maintain physical and vegetation structure without any physical obstructions, maintain vegetation structure and composition subject to natural variations	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition. Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub communities. Absences of the invasive <i>Spartina anglica</i> .	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]	To restore the favourable conservation condition. Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub communities. Absences of the invasive <i>Spartina Anglica</i> .	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	To restore the favourable conservation condition. Maintain habitat area and distribution including physical	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats	

	structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub communities. Absences of the invasive <i>Spartina Anglica</i> .	including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	To restore the favourable conservation condition. Maintain river accessibility (no artificial barriers); healthy population structure; healthy density of juveniles; no decline in extent or distribution of spawning beds; >50% of sampling sites positive.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	To maintain the favourable conservation condition. Maintain river accessibility (no artificial barriers); healthy population structure; healthy density of juveniles; no decline in extent or distribution of spawning beds; >50% of sampling sites positive.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	To maintain the favourable conservation condition. Maintain river accessibility (no artificial barriers); healthy population structure; healthy density of juveniles; no decline in extent or distribution of spawning beds; >50% of sampling sites positive.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
<i>Salmo salar</i> (Salmon) [1106]	To restore the favourable conservation condition.	Decrease in water quality.	

	Maintain river accessibility (no artificial barriers); size of stock measures as “conservation limit” consistently exceeded; maintain abundance of salmon fry; no significant decline in out-migrating smolt abundance; no decline in the number of spawning beds (redds); water quality at least Q4 at all sites.	Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition. No significant decline in distribution; no significant decline in terrestrial/estuarine/freshwater/ Lake habitat; No significant decline in couching sites or holts; no decline in available fish biomass;	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife using the SAC.	
Other QIs			
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition.	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	
Coastal lagoons [1150]	To restore the favourable conservation condition.	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition.	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	
Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation [3260]	To maintain the favourable conservation condition.	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]	To maintain the favourable conservation condition.	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	To restore the favourable conservation condition	None as coastal/intertidal in nature and are connected to the project via hydrological pathways, however, no water quality objectives are set.	
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition	None, as freshwater pearl mussels are not present downstream.	
<i>Tursiops truncatus</i> (Common	To maintain the favourable conservation condition.	None	

Bottlenose Dolphin) [1349]			
River Shannon and River Fergus Estuaries SPA (Site Code: 004077)			
Cormorant (Phalacrocorax carbo) [A017]	To maintain the favourable conservation condition.	Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation. Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife in the SPA.	Construction will follow guidance from Inland Fisheries Ireland. Erection of silt curtain (or similar barriers) along the south-western boundary. Appropriately sized silt trap or settlement pond. Dangerous substances to be stored in a bunded zone. Emergency contact numbers displayed. CEMP adhered to. Surface water headwall is precast concrete.
Whooper Swan (Cygnus cygnus) [A038]	To maintain the favourable conservation condition.		
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition.		
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition.		
Teal (Anas crecca) [A052]	To maintain the favourable conservation condition.		
Pintail (Anas acuta) [A054]	To maintain the favourable conservation condition.		
Scaup (Aythya marila) [A062]	To maintain the favourable conservation condition.		
Ringed Plover (Charadrius hiaticula) [A137]	To maintain the favourable conservation condition.		
Golden Plover (Pluvialis apricaria) [A140]	To maintain the favourable conservation condition.		
Grey Plover (Pluvialis squatarola) [A141]	To maintain the favourable conservation condition.		
Lapwing (Vanellus vanellus) [A142]	To maintain the favourable conservation condition.		
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition.		
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition.		

Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	To maintain the favourable conservation condition.			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	To maintain the favourable conservation condition.			
Curlew (<i>Numenius arquata</i>) [A160]	To maintain the favourable conservation condition.			
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation condition.			
Greenshank (<i>Tringa nebularia</i>) [A164]	To maintain the favourable conservation condition.			
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	To maintain the favourable conservation condition.			
Wigeon (<i>Mareca penelope</i>) [A855]	To maintain the favourable conservation condition.			
Shoveler (<i>Spatula clypeata</i>) [A857]	To maintain the favourable conservation condition.			
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 32,261ha, other than that occurring from natural patterns of variation.	Decrease in water quality. Pollution could affect invertebrate life in intertidal habitats including estuaries, mudflats and shallow inlets and bays. Impacts to invertebrate life could have an indirect effect on birdlife in the SPA.		
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives				

(i) Water quality degradation

Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the Barnakyle Stream and the main channel of the River Shannon and River Fergus downstream. Decrease in water quality would compromise conservation objectives for Annex II species (including birds associated with the SPA) listed and increase sedimentation could alter habitat quality for spawning or nursery grounds.

Ecological impact assessment stated that Freshwater Pearl Mussel will not be impacted as they are not present downstream but potentially suitable for Otter, Atlantic Salmon and Lampreys. No operational phase impacts are anticipated.

Mitigation measures and conditions

Construction will follow guidance from Inland Fisheries Ireland (IFI, 2016) and will include the erection of a robust silt curtain (or similar barrier) along the south-western boundary to prevent the ingress of silt to the Barnakyle River.

A box culvert is proposed across Barnakyle Stream as part of the approved Part 8 planning application.

Water leaving the site will pass through an appropriately sized silt trap or settlement pond to that only silt-free run-off will enter the environment.

Dangerous substances, such as oils, fuels etc will be stored in a bunded zone.

Emergency contact numbers for the Local Authority Environment Section, Inland Fisheries Ireland, The Environmental Protection Agency and the National Parks and Wildlife Service will be displayed in a prominent position within the site compound.

The CEMP (section 4.1.1.3) provides details of how soil and water will be protected from uncontrolled release of cementitious material, including that “wash out areas will be provided with an impermeable liner to contain all cement laden water and then taken off site for appropriate disposal”.

The construction of the surface water headwall will be done “in the dry”. In other words, the river will first be protected by a temporary baffle or similar barrier that will prevent scour of soil by flowing water. The proposed headwall is a precast concrete headwall that will not require the pouring of cement on site.

Site personnel will be trained in the importance of preventing pollution and the mitigation measures described here to ensure same.

The site manager will be responsible for the implementation of these measures. They will be inspected on at least a daily basis for the duration of works, and a record of these inspections will be maintained.

A site-specific Construction and Environmental Management Plan will be adhered to.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The proposed development has been assessed in association with the other plans to the north

and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the

- Lower River Shannon (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on:

- Lower River Shannon (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

In view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the:

- Lower River Shannon (Site Code: 002165)

- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

Appendix C: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323113-25	Townland, address	Barnakyle, Patrickswell, Co. Limerick
Description of project		The proposed development consists of the construction of 63 no. dwellings, a creche and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site is located within the urban area of Patrickswell, Co. Limerick. The site is currently greenfield and used for agricultural purposes. The site is surrounded by existing residential developments.</p> <p>Surface water discharge will be discharged to the existing public drain and suitable SuDs measures will be implemented on site.</p> <p>A public water supply exists.</p> <p>Wastewater will be discharged to public sewer.</p> <p>There are no water features on site, however the access point to the southwest is over the Barnakyle Stream.</p>	

	The site is not within a flood zone area but part of the access route with the adjoining approved Part 8 is located within the OPW benefitting lands for Arterial Drainage Scheme (ADS) associated with Barnakyle Stream, reference C1/10/4, Scheme: Maigne.
Proposed surface water details	Surface water will be disposed to public drain.
Proposed water supply source & available capacity	Public water supply available.
Proposed wastewater treatment system & available capacity, other issues	Wastewater will be discharged to public sewer.
Others?	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Groundwater	The site is on the groundwater.	Patrickswell IE_SH_G-197	Groundwater status is described as Good (period for GW 2016-2021)	Groundwater is described as Not at Risk.	None identified on the subject site. Groundwater to the north Limerick City Southwest, code IE_SH_G_141 has agriculture pressure.	Potential surface water run-off.

River		The site access to the southwest crosses the Barnakyle Stream.	Barnakyle_020 site code IE_SH_24B0 50600	River status is described as Moderate (period for GW 2016-2021)	River is described as At Risk.	Agriculture & Urban Run off	Potential surface water run-off.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.

1.	Groundwater	Patrickswell IE_SH_G-197	Seepage	Spillages	Standard Construction practice	No due to regular monitoring	Screened Out
2.	River	Barnakyle_020 site code IE_SH_24 B050600	Site access crosses the Barnakyle Stream	Spillages	Standard Construction practice	No	Screened Out
OPERATIONAL PHASE							
3.	Groundwater	Patrickswell IE_SH_G-197	Pathways exist through drainage underground & seepage.	Possible surface water runoff	Connection to public drain and SuDs measures.	No due to separation.	Screened Out
4.	River	Barnakyle_020 site code IE_SH_24 B050600	Site access crosses the Barnakyle Stream	Possible surface water runoff	Connection to public drain and SuDs measures.	No due to separation.	Screened Out

DECOMMISSIONING PHASE							
5.	N/A						

